

REMARKS

Currently, claims 18, 22, and 24-36, including independent claim 18, are pending in the present application. Independent claim 18, for instance, is directed to a biodegradable fibrous web comprising biodegradable polymer fibers. The web has a durable hydrophilic surface coated with a hydrophilic polymeric material in an amount of from about 0.01 to about 2.0 percent by weight, based on the dry weight of the web. The hydrophilic polymeric material is a cellulose derivative selected from the group consisting of hydroxyethyl cellulose, hydroxypropyl cellulose, methyl cellulose, ethyl cellulose, methyl hydroxypropyl cellulose, ethyl hydroxyethyl cellulose, carboxymethyl cellulose, or a combination thereof. The hydrophilic polymeric material will not significantly suppress the surface tension of an aqueous medium with which the web may come in contact.

In the Office Action dated October 1, 2007, independent claim 18 was rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 6,440,556 to Matsui, et al. in view of U.S. Patent No. 6,051,249 to Samuelsen and further in view of U.S. Patent No. 6,011,194 to Buglino, et al. Matsui, et al. is directed to a conjugate fiber formed from aliphatic polyester components (A) and (B) having different crystallinities. In one embodiment, for example, a conjugated fiber is formed that includes a high crystalline aliphatic polyester A3 and a composition B3 that includes both a low crystalline aliphatic polyester and a hydrophilic compound. (Cols. 33-34). The hydrophilic compound of the composition B3 enhances the sensitivity of the conjugated fiber to water and thereby allows it to be divided upon alkali treatment into fine fibers. (Cols. 36-37). The

hydrophilic compound may include a polyether or organic compound having a sulfo, carboxyl, phosphate, or amino group. (Col. 34, ll. 28-40).

Samuelsen is directed to a dressing (e.g., release liner) that contains a carrier film and an adhesive. Samuelsen lists numerous polymers that may be used to form the carrier film, such as polyolefins, polyesters, polyurethanes, polyamides, etc. One of the many polymers in this list is a thermoplastic polysaccharide.

Buglino, et al. is directed to a wound dressing that contains an absorbent layer with one or more absorbent or superabsorbent materials, a porous, non-stick layer or film, a protective cover layer, and a cohesive layer of an adhesive material. The Office Action cites Buglino, et al. as disclosing that the body of the dressing may be fibrous.

Independent claim 18, as amended, positively recites a hydrophilic polymeric material coating in an amount of about 0.01 to about 2.0 percent by weight, based on the dry weight of the web, wherein the hydrophilic polymeric material is a cellulose derivative, the cellulose derivative selected from the group consisting of hydroxyethyl cellulose, hydroxypropyl cellulose, methyl cellulose, ethyl cellulose, methyl hydroxypropyl cellulose, ethyl hydroxyethyl cellulose, or a combination thereof. None of the references disclose or suggest this limitation.

Additionally, independent claim 18 positively recites that the hydrophilic polymeric material will not significantly suppress the surface tension of an aqueous medium with which the web may come in contact. Matsui, et al. specifically *teaches away* from such a limitation. In the only embodiment that Matsui, et al. discloses that utilizes the incorporation of a hydrophilic compound (A3 and B3 conjugated fibers; See Col. 33, lines 24+), Matsui, et al. notes on multiple occasions the desire to mix the

hydrophilic compound with a *surfactant* to achieve “excellent melt fluidity”. See Col. 35, lines 27-31, 41-47, 54-57, and 61-64. Of course, a surfactant, by definition, lowers the surface tension of a liquid it comes in contact with. As Applicants note in the specification:

surfactants are effective in rendering normally hydrophobic polymeric fabrics water wettable. However, the surfactant is readily removed from the fabric, often after only a single exposure to an aqueous liquid. Such surfactants are effective in rendering the hydrophobic polymeric fabric wettable by lowering the surface tension of the aqueous liquid. Such a mechanism must involve at least partial removal of surfactant from the surfaces of the fibers of which the fabric is composed. Pg. 1, lines 29-34.

As such, Applicants claim a *durable*¹ hydrophilic surface wherein the hydrophilic polymeric material will not significantly suppress the surface tension of an aqueous medium with which the web may come in contact. Matsui, et al. specifically *teaches away* from such a structure.

Furthermore, the references additionally fail to disclose a surface *coated* with a hydrophilic polymeric material as required by independent claim 18. Matsui, et al. discloses conjugate fibers formed from multiple components, one of which may contain a hydrophilic compound. The component that includes the hydrophilic compound, however, forms part of the fiber and is *not a coating* on a fibrous web. Matsui, et al. discloses:

The present inventors have found that when an aliphatic polyester which is relatively subject to an alkali hydrolysis is incorporated with a hydrophilic compound and it is conjugated in a single filament with a crystalline aliphatic polyester having a melting point of not less than 140°C., a conjugated fiber which is easily dividable by a chemical treatment is obtained. Col. 33, lines 24-30. (Emphasis added).

Thus, Matsui, et al. fails to teach a *coating* as required by independent claim 18.

¹ See, for example, the run-off test results of the Examples (and conveyed graphically in the FIGURE).

For at least the reasons set forth above regarding independent claim 18, Applicants respectfully submit that the corresponding dependent claims also patentably define over the references cited. However, the patentability of the dependent claims certainly does not hinge on the patentability of the independent claims. In particular, it is believed that some or all of these claims may possess features that are independently patentable, regardless of the patentability of the independent claims. For instance, dependent claim 36 requires that the cellulose derivative is ethyl hydroxyethyl cellulose. Such a limitation is not disclosed in any of the cited references.

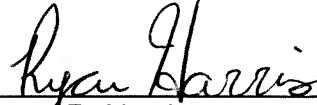
The previous claims were also rejected in the Office Action under the judicially created doctrine of obviousness-type double patenting in view of U.S. Application Serial No. 10/734,006, which was filed on the same date as the present application. To the extent even necessary, Applicants agree to submit a terminal disclaimer to obviate this rejection when the application is otherwise in condition for allowance.

It is believed that the present application is in complete condition for allowance and favorable action, therefore, is respectfully requested. Examiner Singh is invited and encouraged to telephone the undersigned, however, should any issues remain after consideration of this Amendment.

Please charge any additional fees required by this Amendment to Deposit Account No. 04-1403.

Respectfully requested,

DORITY & MANNING, P.A.

A handwritten signature in black ink, appearing to read "Ryan P. Harris", is written over a horizontal line.

Ryan P. Harris
Registration No. 58,662
P.O. Box 1449
Greenville, SC 29602-1449
Telephone: (864) 271-1592
Facsimile: (864) 233-7342

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